

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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	:	
UNITED STATES OF AMERICA	:	
	:	CONSENT PRELIMINARY ORDER
- v. -	:	OF FORFEITURE AS TO SPECIFIC
	:	PROPERTY/
JOHNNY DAMUS	:	<u>MONEY JUDGMENT</u>
a/k/a "Ace",	:	
	:	22 Cr. 514 (PGG)
Defendant.	:	
-----	x	

WHEREAS, on or about September, 27, 2022, JOHNNY DAMUS a/k/a "Ace", (the "Defendant") among others, was charged in four counts of a five-count sealed Indictment, 22 Cr. 514 (PGG) (the "Indictment"), with conspiracy to commit access device fraud, in violation of Title 18, United States Code, Section 1029(b)(2) (Count One); access device fraud, in violation of Title 18, United States Code, Sections 1029(a)(5), 1029(c)(1)(A)(ii), and 2 (Count Two); conspiracy to commit bank fraud, in violation of Title 18, United States Code, Section 1349 (Count Three); and aggravated identity theft, in violation of Title 18, United States Code, Sections 1028A(a)(1), 1028A(b), and 2 (Count Four);

WHEREAS, the Indictment included, *inter alia*, a forfeiture allegation as to Counts One and Two of the Indictment, seeking forfeiture to the United States, pursuant to Title 18, United States Code, Sections 982(a)(2)(B) and 1029 (c)(1)(C), of any and all property constituting, or derived from, proceeds obtained directly or indirectly, as a result of the offense commission of the offenses charged in Counts One and Two of the Indictment, and any and all personal property used or intended to be used to commit the offenses charged in Counts One and Two of the Indictment, including but not limited to a sum of money in United States currency representing the amount of proceeds traceable to the commission of the offenses charged in Counts One and Two of the Indictment;

WHEREAS, on or about September 29, 2022, the Government seized property from the LUXURYSNOB office located at 456 Johnson Avenue, Suite 228, Brooklyn, NY 11237, including but not limited to the property listed in Attachment A attached hereto (the “Seized Property”);

WHEREAS, on or about September 6, 2023, the Defendant pled guilty to Count One of the Indictment, pursuant to a plea agreement with the Government, wherein the Defendant admitted the forfeiture allegation with respect to Count One of the Indictment and agreed to forfeit to the United States, pursuant to Title 21, United States Code, Sections 982(a)(2)(B) and 1029(c)(1)(C), any and all property constituting, or derived from, any proceeds obtained, directly or indirectly, as a result of the offense charged in Count One of the Indictment, and any and all property used, or intended to be used, in any manner or part, to commit, or to facilitate the commission of, the offense charged in Count One of the Indictment, including but not limited to a sum of money in United States currency representing the amount of proceeds traceable to the commission of the offense charged in Count One of the Indictment; and

WHEREAS, the Defendant consents to the entry of a money judgment in the amount of \$536,434.01 in United States currency, representing the amount of proceeds traceable to the offense charged in Count One of the Indictment that the Defendant personally obtained, for which the Defendant is jointly and severally liable with (i) his co-defendant Fabiola Mompont (“Mompont”) for the \$91,456 forfeiture money judgment entered against her by this Court on May 16, 2023 and (ii) his co-defendants Rashaan Richards, Kareem Shepherd, Devon Richards, Conrad Heron, Louis Jeune Verly, Nathanael Foucault, and Johnathan Persaud (collectively, the “Co-defendants”) to the extent forfeiture money judgments are entered against the Co-defendants in this case for the offense charged in Count One of the Indictment

WHEREAS, the Defendant further consents to the forfeiture of all his right, title and interest in (i) the Seized Property, and (ii) the URL www.luxurysnob.com (the URL together with the Seized Property, the “Specific Property”) which constitute proceeds of the offense charged in Count One of the Indictment and/or property used or intended to be used to commit the offense charged in Count One of the Indictment;

WHEREAS, the Defendant admits that, as a result of acts and/or omissions of the Defendant, the proceeds traceable to the offense charged in Count One of the Indictment that the Defendant personally obtained and property involved in the offense charged in Count One of the Indictment cannot be located upon the exercise of due diligence, with the exception of the Specific Property; and

WHEREAS, pursuant to Title 21, United States Code, Section 853(g), and Rules 32.2(b)(3), and 32.2(b)(6) of the Federal Rules of Criminal Procedure, the Government is now entitled, pending any assertion of third-party claims, to reduce the Specific Property to its possession and to notify any and all persons who reasonably appear to be a potential claimant of their interest herein;

IT IS HEREBY STIPULATED AND AGREED, by and between the United States of America, by its attorney Damian Williams, United States Attorney, Assistant United States Attorneys Ashley C. Nicolas, Chelsea L. Scism, and Madison Reddick Smyser, of counsel, and the Defendant and his counsel, Albert Dayan, Esq., that:

1. As a result of the offense charged in Count One of the Indictment, to which the Defendant pled guilty, a money judgment in the amount of \$536,434.01 in United States currency (the “Money Judgment”), representing the amount of proceeds traceable to the offense charged in Count One of the Indictment that the Defendant personally obtained, for which the

Defendant is jointly and severally liable with (i) Mompoint for the \$91,456 forfeiture money judgment entered against her by this Court on May 16, 2023 and (ii) the Co-defendants, to the extent forfeiture money judgments are entered against the Co-defendants in this case, shall be entered against the Defendant.

2. As a result of the offense charged in Count One of the Indictment, to which the Defendant pled guilty, all of the Defendant's right, title and interest in the Specific Property is hereby forfeited to the United States for disposition in accordance with the law, subject to the provisions of Title 21, United States Code, Section 853.

3. Pursuant to Rule 32.2(b)(4) of the Federal Rules of Criminal Procedure, this Consent Preliminary Order of Forfeiture as to Specific Property/Money Judgment is final as to the Defendant, JOHNNY DAMUS, and shall be deemed part of the sentence of the Defendant, and shall be included in the judgment of conviction therewith.

4. All payments on the outstanding Money Judgment shall be made by postal money order, bank or certified check, made payable to the United States Marshals Service, and delivered by mail to the United States Attorney's Office, Southern District of New York, Attn: Money Laundering and Transnational Criminal Enterprises Unit, One St. Andrew's Plaza, New York, New York 10007 and shall indicate the Defendant's name and case number.

5. The United States Marshals Service is authorized to deposit the payments on the Money Judgment in the Assets Forfeiture Fund, and the United States shall have clear title to such forfeited property.

6. Upon entry of this Consent Preliminary Order of Forfeiture as to Specific Property/Money Judgment, the United States Marshals Service (or its designee) is hereby

authorized to take possession of the Specific Property and to hold such property in its secure custody and control.

7. Pursuant to Title 21, United States Code, Section 853(n)(1), Rule 32.2(b)(6) of the Federal Rules of Criminal Procedure, and Rules G(4)(a)(iv)(C) and G(5)(a)(ii) of the Supplemental Rules for Certain Admiralty and Maritime Claims and Asset Forfeiture Actions, the United States is permitted to publish forfeiture notices on the government internet site, www.forfeiture.gov. This site incorporates the forfeiture notices that have been traditionally published in newspapers. The United States forthwith shall publish the internet ad for at least thirty (30) consecutive days. Any person, other than the Defendant, claiming interest in the Specific Property must file a Petition within sixty (60) days from the first day of publication of the Notice on this official government internet web site, or no later than thirty-five (35) days from the mailing of actual notice, whichever is earlier.

8. The published notice of forfeiture shall state that the petition (i) shall be for a hearing to adjudicate the validity of the petitioner's alleged interest in the Specific Property, (ii) shall be signed by the petitioner under penalty of perjury, and (iii) shall set forth the nature and extent of the petitioner's right, title or interest in the Specific Property, the time and circumstances of the petitioner's acquisition of the right, title and interest in the Specific Property, any additional facts supporting the petitioner's claim, and the relief sought, pursuant to Title 21, United States Code, Section 853(n).

9. Pursuant to 32.2 (b)(6)(A) of the Federal Rules of Criminal Procedure, the Government shall send notice to any person who reasonably appears to be a potential claimant with standing to contest the forfeiture in the ancillary proceeding.

10. Upon adjudication of all third-party interests, this Court will enter a Final Order of Forfeiture with respect to the Specific Property pursuant to Title 21, United States Code, Section 853(n), in which all interests will be addressed. All Specific Property forfeited to the United States under a Final Order of Forfeiture shall be applied towards the satisfaction of the Money Judgment.

11. Pursuant to Title 21, United States Code, Section 853(p), the United States is authorized to seek forfeiture of substitute assets of the Defendant up to the uncollected amount of the Money Judgment.

12. Pursuant to Rule 32.2(b)(3) of the Federal Rules of Criminal Procedure, the United States Attorney's Office is authorized to conduct any discovery needed to identify, locate or dispose of forfeitable property, including depositions, interrogatories, requests for production of documents and the issuance of subpoenas.

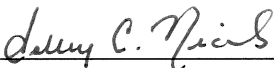
13. The Court shall retain jurisdiction to enforce this Consent Preliminary Order of Forfeiture as to Specific Property/Money Judgment, and to amend it as necessary, pursuant to Rule 32.2 of the Federal Rules of Criminal Procedure.

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14. The signature page of this Consent Preliminary Order of Forfeiture as to Specific Property/Money Judgment may be executed in one or more counterparts, each of which will be deemed an original but all of which together will constitute one and the same instrument.


AGREED AND CONSENTED TO:

DAMIAN WILLIAMS
United States Attorney for the
Southern District of New York

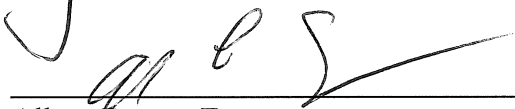
By: 
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One St. Andrew's Plaza
New York, NY 10007
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9/6/23
DATE

JOHNNY DAMUS

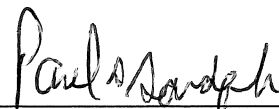
By: 
Johnny Damus

9-6-23
DATE

By: 
Albert Dayan, Esq.
Attorney for Defendant
80-02 Kew Gardens Road, Suite 902
Kew Gardens, NY 11415

9-6-23
DATE

SO ORDERED:


HONORABLE PAUL G. GARDEPHE
UNITED STATES DISTRICT JUDGE

September 6, 2023
DATE

Attachment A

Items seized from the LUXURYSNOB office located at 456 Johnson Avenue, Suite 228, Brooklyn, NY 11237 on or about September 28, 2022:

Christian Louboutin Black/Gold Shoes - Size 40
Christian Louboutin Olive Suede Shoes - Size 42
Gucci Gg Supreme - White - Size 39
Gucci Gg Supreme - White - Size 39
Gucci Platino Slippers - Size 39
Gucci Brown Moccasin Shoes
Chanel Brown Cork Sandals - Size 40
Dior Ht Oblique Sneaker - Size 38
Versace White Handbag
Prada Nylon Gabardine Sneakers Black - Size 39
Valentino Heels Black/Beige - Size 39
Valentino Heels Beige/Beige - Size 38.5
Balenciaga White Sneakers - Size 39
Balenciaga Black Slip Sneakers - Size 40
Fendi Beige Tweed Boot - Size 38.5
YSL Black Stockings - Size L
Christian Louboutin Blue Spiked Shoes - Size 48
Christian Louboutin White Spiked Shoes - Size 45.5
Chanel Blue Quilted Handbag
Dior Deep Nude Sneaker - Size 36.5
YSL Black Handbag
Chanel Dk Grey Flapbag
Fendi Beige Tweed Sandal - Size 37.5
Givenchy Black/White Sneakers
Dior Pink Slides - Size 39
Versace Teal Pumps - Size 39
Dior Black Sheer Pumps - Size 40
Dior J'adior Shoes - Size 40
Fendi Black/Blue Slides - Size 40
Chanel Black Handbag
Louis Vuitton Shoulder Bag
Louis Vuitton White Chain Bag
Louis Vuitton Black Handbag
Louis Vuitton Brown Handbag
Louis Vuitton Brown Wallet
Louis Vuitton Black Wallet
Louis Vuitton Black/Sheer Sneakers
Louis Vuitton Monogram Square Beige
Louis Vuitton Alma BB Handbag

Attachment A – Page 2

Hermes Brown Fuzzy Slides - Size 38
Hermes Multicolored Sneakers
Louis Vuitton Brown Wallet
Louis Vuitton Monogram Bandeau
Louis Vuitton Wallet Black/Beige
Louis Vuitton Brown Wallet Taupe
Louis Vuitton Teal Wallet
Louis Vuitton Sarah Wallet Black
Louis Vuitton Sarah Wallet Black
Louis Vuitton Emilie Wallet Black
Louis Vuitton Sarah Teal Wallet
Balenciaga Green Rubber Croc Boots
Balenciaga Black Rubber Croc Boots - Size 44
Christian Louboutin Patent Nude Pumps - Size 39
Christian Louboutin Suede Sunset Pumps - Size 40
Christian Louboutin Patent White Pumps - Size 42
Christian Louboutin Patent Pink Pumps - Size 38
Chanel Black Lace Up Boots - Size 40
Chanel Blue Suede Pearl Shoes - Size 35.5
Chanel White Strapped Sandals - Size 37.5
YSL Black Tassel Shoulder Bag
Dior White Mesh Sneakers - Size 44
Dior White Mesh Sneakers - Size 42 Box
Emilio Pucci Ribbon Pink Shoes
Chanel Pink/Black Open Shoes - Size 39
Chanel Blue Cord Sandals
Bottega Veneta Parakeet Greet Heels - Size 39
YSL Brown Wallet Bag
YSL Black Mono Minibag
YSL Black Puffy Mini Bag
Dior Blue Slides - Size 39
Dior Cherry Slides - Size 40
Dior Deep Blue Slides - Size 39
Chanel Turquoise Shoes - Size 38
Chanel Multicolor Espadrilles - Size 40
Louis Vuitton Brown Chain Bag
Goyard Brown Wood Handbag
Tom Ford Blue Heels - Size 39
Giuseppe Zanotti Patent Nude Pumps - Size 41
YSL Black Heels - Size 41
Balenciaga White Sneakers - Size 38
Fendi Black Large Tote Bag

Attachment A – Page 3

Gucci Medium Canvas Tote Bag - Lt Br
Gucci Medium Canvas Tote Bag - Dk Br
Goyard Wallet
Hermes Belt - Size 38
Gucci Small Handbag - Gray
Gucci White/Silver Chain Bag
Balenciaga Silver Shoulder Bag
Gucci Pink/Blue Chain Shouldler Bag
YSL Rive Gauche Canvas Medium Tote Bag
Versace Brown Medium Tote Bag + Wallet
Fendi Black Kids Ht Sneakers
Versace Black Stretch Sneaker
Sophia Webster Mint Silver Bedazzled Heels - Size 42
Chloe Tan Ankle Boots - Size 42
Burberry Knit Hat And Gloves
Louboutin Red/Gold Calf Boot - Size 40
Miu Miu Black/Gold Round Glasses
YSL Silver Argento Sandals - Size 38
Gucci Argyle Shoes
Gucci Blk/Whi/Red/Blue Shoes
Rossi Red Shoes - Size 42
Gucci Mens Tote
Louis Vuitton Black Buckled Shoes
Hermes Gray/White Wool Scarf
Gucci Gray Woven Lease Handbag
Louis Vuitton White/Violet Sneakers
Louis Vuitton White/Pink/Purple Sneakers - Size 37
Louis Vuitton Green/White Sneakers
Muaddi Lsd Gladi Strapped Sandals - Size 41
Giuseppe Zanotti Suede Orange Shoe
Gucci White Kids Velcro Sneaker
Givenchy Red Shiny Tote Bag`
Just Don White/Blue Ht Sneakers - Size 38
Christian Louboutin Gold Scale Shoes - Size 42
Unisa Black Open Sandals - Size 10m
Valentino Lt Tan Spiked Clutch
Givenchy Khaki Wool Scarf
Gucci Smal Womens Wallet Blue
D&G 'Love Is Love' Black T-Shirt - Size 40
Versace Gold/Black Bikini Bottom - Size 5
Versace Gold/Black Bikini Top - Size 5
Balenciaga Violet/Yellow Floral Long Gloves
YSL Black Women's Wallet

Attachment A – Page 4

Versace Silk Twill Bandeau
Gucci Black Wallet
Fendi Brown Wallet
Gucci Brown Card Case/Wallet
Orange Silk Bandeau
Blue Silk Bandeau
Versace Card Case/Wallet Red
Aw Black Stretch Top + Bottom Size M
Fendi Tan Knit Medium Tote
Louis Vuitton Tan Monogram Medium Tote
Louis Vuitton Black Monogram Medium Tote
Gucci Black Chain Bag
Louboutin Black/Red Shoulder Bag
Moschino Black/Gold Belt
Gucci Blue Backpack
Christian Louboutin Woman's Multicolored Sneakers - Size 36
Christian Louboutin Black Patent Pumps - Size 39
Christian Louboutin Animal Print Pumps - Size 40
Christian Louboutin Silver Pumps - Size 38.5
Saint Laurent Animal Print Shoulder Bag
D&G Green Jungle Heels
Christian Louboutin Pink Spiked Suede Flats - Size 35
Christian Louboutin Black ,Crow Heels - Size 38.5
Christian Louboutin Snake Pattern Heels - Size 40
Christian Louboutin Gold/Platinum Heels - Size 39.5
Christian Louboutin Silver Heels - Size 9.5
Christian Louboutin Silver Sneakers - Size 40
Christian Louboutin White Patent Heels - Sizse 40.5
Christian Louboutin Tan Knee High Fabric Heels - Size 37.5
Balenciaga Gray Shoulder Bag
Givenchy Black Sandals - Size 40
Givenchy Pink Sandals - Size 38
Dior Blue/White Sneakers - Size 37
Valentino Black Sandals - Size 36
Valentino Black Sandals - Size 37
Chanel Small Boy Flapbag
Chanel Small Boy Flapbag
Giuseppe Zanotti Silver Sandals - Size 38.5
YSL Black/Silver Shoulder Bag
Chanel Pink Gold Chain Bag
Balenciaga - Pink Shoulder Bag
YSL Red Puffy Minibag

Attachment A – Page 5

Chanel Black/Gold Chain Shoulder Bag
Louboutin Pink/Red Studded Shoulder Bag
Louis Vuitton Monogram Loop Bag
Dior Cloud Blue Lambskin Handbag
Gucci Black/Floral Chain Handbag
Gucci Gray/Gold Handbag
YSL Black Quilted Handbag
YSL Gray Shoulder Bag
YSL Black Handbag
YSL Red Shoulder Bag
YSL Black Tassels Shoulder Bag
Celine Gray Tote Bag
Givenchy Maroon Medium Handbag
Dior Gold Handbag
Fendi Red Medium Handbag
Fendi Red/Gold Chain Flapbag
Fendi Pink Mini Handbag
Versace Red 'Medusa' Shoulder Bag
Gucci Blue Velvet Flapbag
Louis Vuitton Brown Monogram Backpack
Louis Vuitton Brown/Black/Gray Ht Boots
Fendi Black/Yellow/White Sneakers - Size 39.5
Tom Ford Blue Denim Heels - Size 39
Tom Ford Silver Heels - Size 37
Tom Ford Pink Heels - Size 37
Tom Ford Black Strapped Heels - Size 37
Christian Louboutin Plastic Studded Heels - Size 38
Giuseppe Zanotti Gold Heels